

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JONATHAN RAMONE FRANKLIN,

Defendant.

**8:17CR374**

**ORDER**

Defendant Jonathan Ramone Franklin (“Franklin”) is charged with robbing the Security Home Bank in Malmo, Nebraska, at gunpoint on November 22, 2017, in violation of 18 U.S.C. §§ 2113(a), 924(c), and 2, and with being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g). Now before the Court is the magistrate judge’s<sup>1</sup> Findings and Recommendation (Filing No. 72) recommending the Court deny Franklin’s Motion to Suppress (Filing No. 63) “all evidence seized as a result of the traffic stop” of Franklin’s vehicle on a highway just outside of Malmo shortly after the robbery. Aptly relying on *United States v. Daniel*, 887 F.3d 350, 354-55 (8th Cir. 2018), the magistrate judge concluded “[t]he temporal and geographic proximity of [Franklin’s vehicle] to the scene of the robbery, as well as a matching description of the vehicle [by witnesses to the robbery], provided reasonable suspicion for the stop.” The magistrate judge further found the search of Franklin’s vehicle was proper.

On May 16, 2018, Franklin timely objected (Filing No. 73) to the Findings and Recommendation, arguing the magistrate judge “erred in finding that reasonable suspicion justified the traffic stop.” Franklin contends the traffic stop violated the Fourth Amendment to the U.S. Constitution because he and his vehicle “only partially matched the description” of the suspects and their vehicle in a law-enforcement dispatch after the

---

<sup>1</sup>The Honorable Susan M. Bazis, United States Magistrate Judge for the District of Nebraska.

robbery. In Franklin's view, the "detention of him or his vehicle became unreasonable" when officers who had been told about two robbery suspects "found that Franklin's vehicle only had one male occupant."

In light of Franklin's objection, this Court has conducted a thorough de novo review of his Motion to Suppress, the parties' briefs, the Findings and Recommendation, and the underlying evidence in this case. *See* 28 U.S.C. § 636(b)(1). Based on that review, the Court concludes Franklin's Motion to Suppress should be denied for the reasons stated in the magistrate judge's Findings and Recommendation. The Court agrees with the magistrate judge that Franklin was lawfully stopped and his vehicle lawfully searched. That Franklin was alone in his vehicle and the dispatch identified two male suspects did not deprive the officers of reasonable suspicion.

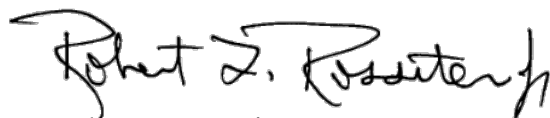
For the foregoing reasons,

IT IS ORDERED:

1. Defendant Jonathan Ramone Franklin's objection (Filing No. 73) to the magistrate judge's Findings and Recommendation is overruled.
2. The magistrate judge's Findings and Recommendation (Filing No. 72) is accepted in its entirety.
3. Franklin's Motion to Suppress (Filing No. 63) is denied.

Dated this 1st day of June, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
United States District Judge